

REMARKS

This application has been carefully reviewed in light of the Office Action dated July 7, 2006. Claims 1, 2, 4, 5, 7, 8, 12, 14 to 16 and 18 to 23 are in the application, with Claims 3, 13 and 17 having been cancelled herein. Claims 1, 7, 16 and 20 are independent. Reconsideration and further examination are respectfully requested.

The Office Action entered a restriction requirement, withdrawing Claims 7, 8, 13, 14, 15 and 20 to 23 as allegedly directed to inventions distinct from the originally claimed invention. The restriction requirement and the constructive election are respectfully traversed. In this regard, the restriction itself is simply unclear. Specifically, the Office Action alleges “The [current] claims are to a system in which a management device receives data for identifying itself from a communication control device. This is distinct from the originally claimed invention, in which a management device receives data for identifying itself from a management center and/or data identifying a communication control device from a communication control device.” (Office Action, page 2). Applicant simply cannot determine from the requirement whether Claim 7 is being identified as being distinct from Claim 1, or if the amended Claim 7 is being identified as being distinct from the previously presented Claim 7. Additionally, contrary to the Office Action’s characterization, the original claims do not recite a management device receives data for identifying itself from a communication control device. Accordingly, the restriction requirement is, at best, vague as to the basis for the restriction.

Moreover, Applicant notes that, prior to the April 24, 2006 Amendment, Claims 1 and 7 both received an action on the merits. In the April 24, 2006 Amendment, both Claims 1 and 7 were amended in a similar manner merely to change which device the

identifying information was identifying (i.e., changed from identifying the control device to identifying the management device). Therefore, Applicant fails to see how the amendments made in the April 24, 2006 Amendment could have rendered Claim 7 as being drawn to an invention distinct from Claim 1. Accordingly, the entry of a constructive election against Applicant was improper since Applicant had received an action on both Claims 1 and 7 and the amendments themselves did not render the claimed inventions distinct. As such, Applicant should have, at the very least, been given the opportunity to choose a group of claims to prosecute, but was not afforded that chance. Thus, the entry of the constructive election is also traversed.

Finally, the restriction requirement also fails to provide any allegation or reasoning that there would be a serious burden on the Examiner in examining all of the claims in the same application. (See MPEP § 808.02 (“the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required.”)) Indeed, the prior action on the merits for all claims evidences a lack of a serious burden. Thus, the restriction is traversed on this basis as well.

In view of the foregoing, Applicant requests reconsideration and withdrawal of the restriction requirement, and at the very least, that the Examiner clarify the bases for the restriction and provide Applicant with the opportunity to elect a claimed invention.

Claims 1 to 5, 16, 17 and 19 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,424,660 (Jacobson). Claims 12 and 18 were rejected under 35 U.S.C. § 103(a) over Jacobson in view of U.S. Patent No. 5,764,281 (Seo). Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention is directed to the registering of data by a management device that is connected to a management center through a communication network. The data is received from the management center via the communication network or from a communication control device via wireless communication. The received data is registered in a memory, for identification of the management device and identification of the communication control device. In this way, when a management device is replaced, for example, due to failure or routine maintenance, the identification data for identifying the management device and the communication control device can be updated more easily.

Referring specifically to the claims, independent Claim 1 defines a management device. The management device comprises wireless communication means for wireless communication with a communication control device, memory means for storing first identification data for identifying the management device and second identification data for identifying the communication control device, and reception means for receiving the first and second data from a management center connected through a communication network. The management device also comprises registration means for registering, in the memory means, the first data received by the reception means, for identifying the management device, and the second data received by the reception means, for identifying the communication control device.

Independent Claim 16 defines a method for registering identification data that generally relates to the apparatus of Claim 1, but is more specifically directed to receiving data from a management center connected through a communication network, and registering, in a memory, identification data received in the reception step, for identifying the management device and for identifying the communication control device.

The applied references are not seen to disclose or to suggest the features of independent Claims 1 and 16, and in particular, are not seen to disclose or to suggest at least the feature of registering, in a memory, first data received, for identifying a management device, and second data received, for identifying a communication control device.

Jacobson is seen to disclose a distributed remote control system in which a reception device 200 has a receiver identifier storage medium 206 that is programmable via a remote control device 220. (column 4, lines 17 to 33 of Jacobson). Specifically, “selection of a ‘program device’ key or option (not shown) on remote control device 220 causes IR receiver 202 to transmit subsequent signals from remote control device 220 to identifier control logic 208 rather than transmit logic 204. Thus, the user can enter a particular [receiver] identifier to be stored in storage medium 206”. (column 4, lines 28 to 33). However, Jacobson is not seen to disclose or to suggest registering, in a memory, first data received, for identifying a management device, and second data received, for identifying a communication control device.

The remaining cited reference, namely Seo, is not seen to cure the deficiencies of Jacobson, either alone or in any permissible combination. Accordingly, independent Claims 1 and 16 are believed to be allowable.

Independent Claim 7 defines a management device. The management device comprises wireless communication means for wireless communication with a communication control device, memory means for storing first identification data for identifying the management device and second identification data for identifying the communication control device, and connection means for connecting a management center

through a communication network. The management device also comprises registration means for registering, in the memory means, the first data received by the wireless communication means from the communication control device, for identifying the management device, and the second data received by the wireless communication means from the communication control device, for identifying the communication control device.

Independent Claim 20 defines a method for registering identification data that generally relates to the apparatus of Claim 7, but is more specifically directed to receiving data from plural communication control devices via wireless communication, and registering, in a memory, identification data received from one of the plural communication control devices via the wireless communication, for identifying the management device, and for identifying the communication control device.

The cited references are not seen to disclose or to suggest the features of independent Claims 7 and 20, and in particular are not seen to disclose or to suggest at least the feature of registering, in a memory, first data received by a wireless communication means from a communication control device, for identifying a management device, and second data received by the wireless communication means from the communication control device, for identifying the communication control device.

As discussed above, Jacobson may disclose entering a particular receiver identifier to be stored in storage medium 206. However, Jacobson is not seen to disclose or to suggest registering, in a memory, first data received by a wireless communication means from a communication control device, for identifying a management device, and second data received by the wireless communication means from the communication control device, for identifying the communication control device.

The remaining cited reference, namely Seo, is not seen to cure the deficiencies of Jacobson, either alone or in any permissible combination. Accordingly, independent Claims 7 and 20 are believed to be allowable.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Edward A. Kmett/

Edward A. Kmett
Attorney for Applicant
Registration No.: 42,746

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

CA_MAIN 120279v1